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ABSTRACT

An act of the German Lower Saxony Parliament to promote adult education is presented. It has 24 general provisions relating to the following: purpose of adult education, principle for promotion, conditions for promotions of establishments, independence of adult education, prerequisites and form of acknowledgement of entitlement to promotion, withdrawal of acknowledgement, claim to promotion, funding of staff expenses, transfer into the civil service of the land, general financial aid, voluntary grants, object of promotion, auditing by the Supreme Land Audit Office, Land Committee for Adult Education, duties of the land committee, temporary dismissal of permanent civil servants, part-time jobs, transfer of administrative duties, addition to the Lower Saxony Act for permanent civil servants, amendment to the Land Remuneration Act, publication of ordinances, transitional provisions, and entering into force. (Several pages may be illegible.) (CK)

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Translation from German into English

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To Promote Adult Education

of 13. January 1970

The Lower Saxony Parliament has passed the following Act, which herewith is published:

Section I

General Provisions

§ 1

Purpose of Adult Education

(1) The scope of adult education is governed by the educational requirements of adults.

(2) Adult education provides opportunities to gain knowledge and capabilities or to increase them. It shall promote the independence of judgment, instigate argumentation and assist in coping with personnel and professional problems.

§ 2

Principle for Promotion

The Land promotes adult education as laid down in this Act. The authority of the Land to maintain own establishments for adult education remains unaffected.

§ 3

Conditions for Promotion of Establishments

(1) Establishments may only be promoted if

1. they are exclusively serving adult education,

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2. they are supported by corporate bodies (supporter*),
3. they are open and allow participation to everybody and
4. they show such efficiency which according to contents and scope justifies promotion.

If supporters of establishments are not corporate bodies (artificial persons) under public law then they must comply with the requirements of tax law regarding charitableness.

(2) Apart from para 1, clause 1 No. 2 also an association which has no legal competence may be a supporter of an establishment to be promoted, if this association due to its relevance in public life, due to its constitution and its economical capacity guarantees that the grants are used in the sense of this Act.

(3) Supporters whose activities are not solely those of adult education must manage the establishment of adult education as dependent establishments or a separate property with separate account and must give them a statute. The statute must provide for a council which is cooperating when the syllabus of the establishment is prepared and proposes to the supporter superintendent and staff-members for employment. The majority of the members of the council shall be persons who due to their profession or their participation in public life are conversant with adult education and are independent economically from the supporter.

(4) Excluded from promotion under this Act are educational establishments which

*) supporter in this context = organisation, association etc. which is responsible to maintain the establishment in financial, managerial, staffing and other respects.)

1. are ... predominantly special interests or which are dealing predominantly with special subjects.
2. predominantly serve a direct professional training and further education,
3. serve profit making or are run as an or in connection with a business enterprise.

§ 4

Independence of Adult Education.

Promotion of adult education by the State leaves the right of the establishment unaffected to plan the syllabus independently. The establishments are independent as regards the selection of their superintendent and staff as well as regards teaching.

Section II

Acknowledgment of Entitlement to Promotion.

§ 5

Prerequisites and form of acknowledgment

(1) An establishment, after a written application of the supporter has been submitted, is to be acknowledged by the Minister of Education as an establishment entitled to be promoted if

1. it can be promoted in accordance with § 3,
2. it is existing a minimum period of three years and has proved during this period its efficiency,
3. it is working on long terms and pedagogically to a syllabus
4. due to type and scope of their activity it guarantees continuity and

5. it is led or advised by a person that due to education and career is qualified and is working full-time in adult education.

The acknowledgment must be in the written form; it can be acknowledged retrospectively, at the earliest, however, for the beginning of the year when the application was submitted, if the conditions of clause 1 were complied with at the earlier date already.

(2) Organizationally separate parts of an establishment are excluded from the promotion-entitlement if they do not comply with the conditions of para 1.

(3) The acknowledged establishments may have in their name an addition, which shows that they have been acknowledged as entitled to promotion according to para 3 and ~~para~~ § 5 of this Act.

§ 6

Withdrawal of Acknowledgment.

(1) Acknowledgment is to be withdrawn or to be revoked if it can be done under the rules of the General Administrative Law. The decision must be given in writing.

(2) The Land may dispense with a claim to refund the financial aid and contributions which an establishment has received on the basis of a revoked or withdrawn acknowledgment.

Section III.

Nature and Extent of Promotion.

1. Promotion of Acknowledged Establishments.

§ 7

Claim to Promotion

Only supporters of acknowledged establishments (§ 5) are entitled to promotion according to § 8 and § 9a.

§ 8

Funding of Staff Expenses

(1) The Land upon application grants a financial aid. The financial aid is to be so rated, that the following costs are covered:

1. the costs for the full-time acting superintendent, teaching staff and advisers (pedagogical staff)
2. the costs for the full-time managing staff in a domestic and boarding facility affiliated to the establishment
3. a minimum of 40 percent of the costs for the fulltime occupied clerks in the administration.

(2) The Land reimburses upon application to "Heimvolkshochschulen" (boarding high schools for adults) also the costs arising for pedagogical auxiliary staff or part-time pedagogical staff who are occupied in the place of fulltime pedagogical staff, however, only up to such amounts which would in the average be reimbursed for full-time pedagogical staff.

(3) The financial aid will be granted only on the basis of a staff establishment rate (§ 22).

§ 9

Transfer into the Civil Service of the Land

(1) Full-time pedagogical staff-members of an establishment according to § 5 can be taken over upon application as non-permanent civil servants

of the Land, if the supporter of an establishment is entitled to reimbursement of the salary of the applicant. By taking over the applicant into the civil service of the Land the claim according to § 8 is complied with. The applicant must have held a full-time job for a minimum of two years in adult education and must have the necessary qualifications to carry out his duties. Applicant and supporter of the establishment must be prepared to cooperate also after the applicant has been taken over into the civil service of the Land.

(2) The prerequisite for take-over is, that the supporter of the establishment and the Land have concluded a written agreement concerning scope and subject of the cooperation with the Land. The agreement must lay down particularly rights and obligations of the establishment in relation to the staff having been taken over into the civil service. It must include provisions concerning information to be given to the responsible authority of the Land.

(3) The pedagogical staff-members taken over into the Land civil service are serving with the establishment. The supporter of the establishment is entitled to instruct and advise the pedagogical staff, taken over into the civil service and serving in the establishment, within the frame of the agreement according to para 2, in such a way as is required due to the special duties and type of work. The pedagogical self-responsibility of the staff-members must be guaranteed.

(4) The Land may, apart from persons mentioned in para 1, engage pedagogical assistants for a limited time to serve in adult education.

(5) If the supporter of an establishment intends to engage a new member to the pedagogical staff, then he offers to the responsible authority of the Land to propose one or more pedagogical staff-members of the civil service of the Land. The responsible authority of the Land will immediately notify this offer to all pedagogical staff-members and pedagogical assistants within the civil service of the Land. If the supporter engages a pedagogical staff-member earlier than the period of two months has elapsed after the offer was made, then the salaries for the new engaged pedagogical staff-members will not be reimbursed for the time before the two months have elapsed. This provision applies only if the supporter has concluded an agreement according to para 2 and if the engagement of a pedagogical staff-member of the civil service or reimbursement of salaries for the new engaged pedagogical staff-member are possible under the staff-~~establishment~~ complement and in accordance with § 8.

§ 1o

General Financial Aid.

(1) To the expenses which are coming neither under § 8 nor under § 11 the Land will grant upon application a general financial aid. Its rate will be a minimum of 2o % of the reasonable expenses according to the frame given in an Ordinance where the educational work is to be evaluated regarding contents, form and scope. For activities of political education 1oo % of the reasonable expenses are to be reimbursed. It is to be laid down in the Ordinance also, under which conditions arrangements are to be deemed as activities for political education.

(2) Heimvolkshochschulen (boarding high schools for adult education) are not coming under the provisions of para 1. They will receive upon

application a financial aid, the amount of which is depending on the number of participants multiplied by the number of days (participant-days). Details are laid down in an Ordinance of the Ministry of Education. It can be prescribed in this Ordinance that courses, which do not have a certain minimum duration, will not be allowed for. The amount to be granted for each participant-day may be rated so, that above certain limits a lower rate is to be calculated.

§ 11

Voluntary Grants.

The Land may grant to supporters of acknowledged establishments contributions for

1. the erection and furnishing of buildigs and rooms
2. fitting with teaching and working materials
3. granting of scholarships to participants of long term courses and
4. for holding of courses in "Heimvolkshochschulen".

For establishments with local sphere of influence grants for purposes mentioned under number 1 shall normally depend on, that the supporter and the communities, where the establishment is located, are participating in funding with reasonable amounts.

2. Promotion of Non-Acknowledged Establishments.

§ 12

Object of Promotion

The Land may grant contributions to supporters of establishments which are not acknowledged as entitled according to § 3 and § 5 for their educational work.

3. Promotion of Land Organisations for Adult Education.

§ 13

Object of Promotion

(1) Juridical Land organisations for adult education, the activities of whom are conducive for establishments according to § 5, shall receive from the Land upon application as an financial aid the full amount of staffing costs of their staff-members acting as full-time pedagogical advisers; § 8 para 3 and § 9 apply accordingly. Apart herefrom the Land may grant to them contributions up to the full amount of the expenses arising in their administrative organisation for staff, office requirements and general costs.

(2) For measures of the Land organisations to further education of the pedagogical staff the Land will in the budget include funds in the amount of 1o % of the annual vote to comply with their obligations from § 1o.

(3) Associations of Land organisations are equal to Land organisations themselves.

4. Auditing.

§ 14

Auditing by the Supreme Land Audit Office.

The Supreme Land Audit Office is authorised to examine the documents which are to be provided by the supporters of establishments and by Land organisations for calculating the financial aids and grants, to check the use of funds locally, to look into the relevant documents and to ask for informations.

Section IV.

§ 15

Land Committee for Adult Education

(1) For adult education a Land Committee is set up. It has 12 regular and 12 deputy members who are appointed by the Minister of Education for a period of four years. 8 members and their deputies are nominated by the Lad organisation for adult education, their activities must be conducive for recognized establishments of adult education. The other members will be appointed as agreed with the Land organisations named in clause 3.

(2) The Land Committee selects from their members a chairman and a deputy chariman. It works out its own standing orders which require approval by the Minister of Education. Their sessions are not open to the public. Decisions need the majority of votes; for a quorum a minimum of 9 members must be present. If there is a parity of votes then the vote of the chairman decides.

(3) On application of the Land Committee an office will be set up at the Ministry of Education.

§ 16

Duties of the Land Committee.

(1) The Land Committee promotes development of adult education by prepa ing expert's reports, arranging surveys and giving recommendations, and they give advice to the Minister for Education regarding principles of adult education and its financial promotion.

(2) The Land Committee is to be consulted before Ordinances or administrative regulations of principle importance on the basis of this Act are issued or before a decision is made on the acknowledgment of establishments.

(3) In personal matters of the pedagogical staff-members and assistants in the civil service of the Land (§ 9) the Land Committee is to be consulted in connection with following measures:

1. Appointment, upgrading and downgrading
2. transfer to another post,
3. temporary transfer if the period is exceeding one month
4. employment over the pension age
5. notice of termination.

For dismissal without notice a consultation of the Land Committee is not required. In such cases it is to be notified immediately.

Section V

Other Provisions

§ 17

Temporary Dismissal of Permanent Civil Servants

Acknowledgement as Time of Appointment

(1) Permanent civil servants of the Land may be given leave without remuneration to serve in establishments or Land organisations of adult education. The leave should altogether not exceed ten years. It can be extended over this period if it is confirmed by the Minister of Education. The periods of such leave will be included when applying provisions on the legal status of permanent civil servants, on salaries and on pensions, as if they were spent in the civil service. For the civil servant during such leave periods a vacancy may be shown in the staff complement.

(2) If full-time pedagogical staff members in establishments or Land organisations of adult education are taken over as permanent civil servants into the service of the Land, of the communities, of districts and of other bodies, institutions and foundations of Public Law under the supervision of the Land, then the time of appointment spent at such institutions or Land organisations may be deemed as periods spent in civil service.

§ 18

Part-time Jobs.

If a civil servant of the Land , of a community, of a district or of another corporate body, institution or foundation of Public Law under the supervision of the Land has taken a part-time job for payment with an establishment or Land organisation, which can be promoted on the basis of this Act, then the authority required to be given in accordance to § 73, para 1 No. 3 of the Lower Saxony Act On Permanent Civil Servants may only be refused if there are misgivings that the part-time job would contravene the official interests.

§ 19

Transfer of Administrative Duties.

The Minister of Education may transfer to an association of Land organisations according to § 13, if they agree, the execution of administrative duties resulting from the execution of §§ 8, 10, 11, 12 and 13; the staff and other administrative costs will be reimbursed. The association then acts on behalf of the Minister for Education and is bound to follow his instructions. It has for this purpose to form

a separate part of its administrative organisation, which is subject like an authority of the Land to auditing and supervision by the Supreme Land Audit Office.

'Section VI

Transitional and Final Provisions

§ 20

Addition to the Lower Saxony Act for Permanent Civil Servants (NBG)

§ 135 para 1 No. 1 of the Lower Saxony Act for Permanent Civil Servants in the version of 1.6.1967 (Nieders. GVBl. p. 175), as amended by the Act of 26. April 1968 (Nieders. GVBl.p.69) is supplemented as follows:

"f) Full-time employment as pedagogical staff-member for an establishment or Land organisation of adult education".

§ 21

Amendment to the Land Remuneration Act

The Remuneration Act of Land Lower Saxony in the version of 1.2.1969 (Nieders.GVBl. p. 71),as amended by the Act Concerning Amendment of Remuneration Law of 6.6.1969 (Nieders.GVBl. p. 121) is amended as follows:

1. § 7 para 3 No. 5 to read as follows:

"5. in non-state school service or as a full-time staff-member in an establishment or Land organisation of adult education; § 11, para 3 of the Private School Act in the version of 16.3.1967 (Nieders.GVBl. p.71) and § 17 para 2 of the Act

on Promotion of Adult Education of 13.1.1970 (Niedersächs. GVBl. p. 7) will not be affected".

2. § 9 para 3 clause 3 to read as follows:

"An official interest to give leave is always then existing when teachers at State Schools are to be given leave for a total period up to ten years to serve at substitute schools in the Land or when a permanent civil servant according to § 17 para 1 clause 1 of the Act on Promotion of Adult Education of 13.1.1970 (Niedersächs. GVBl. p. 7) is given leave to serve at establishments or Land organisations of adult education".

§ 22

Publication of Ordinances

The Land Government is authorized

1. to decide on which basis and scales the contents, forms and scope of educational work are to be judged (§ 10 para 1),

2. to fix the staff complement for the acknowledged establishments and for the Land organisations. The staff complement lays down for how many persons and in which amount the Land will grant a financial aid under § 8 or § 13 para 1 clause 1. The number must be in a proper relation to scope and contents of work of the establishments or Land organisations. Their salaries must be in line with the rules for those of comparable civil servants of the Land.

§ 23

Transitional Provisions

(1) Until the end of the Financial Year 1972 there is a legal claim to receive financial aid in accordance with § 8 para 1

clause 2 No. 3 and § 10 para 1 only up to 75 % of the relevant rates. This applies also for the Budget Funds according to § 13 para 2.

(2) Establishments and Land organisations of adult education which commence these activities after this Act came into force are to be promoted up to the end of the Financial Year 1976 only as far as the financial obligation of the Land due to their inclusion is not exceeding 7 % of the funds included in the budget for adult education for the previous year.

§ 24

Entering into Force

This Act comes into force on the day after publication. The §§ 8, 9, 10 and 13 come into force on the 1rst of January 1970 § 7, para 1 clause 2, however, not earlier than on 1.1.1973.

Hannover, 13. Januar 1970

Der Niedersächsische Ministerpräsident

Dr. Diederichs

Der Niedersächsische Kultusminister

Langeheine

ERIC Clearinghouse

NOV3 01972

on Adult Education